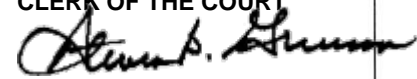


EXHIBIT A

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Steven D. Grierson
CLERK OF THE COURT



1 **COMP**

2 JOHN B. GREENE, ESQ.

3 NEVADA BAR NO. 004279

4 ROBERT D. VANNAH, ESQ.

5 NEVADA BAR NO. 002503

6 **VANNAH & VANNAH**

7 400 South Seventh Street, 4th Floor

8 Las Vegas, Nevada 89101

9 Telephone: (702) 369-4161

10 Facsimile: (702) 369-0104

11 jgreene@vannahlaw.com

12 Attorneys for Plaintiff

CASE NO: A-20-809260-C
Department 1

EIGHTH DISTRICT COURT

CLARK COUNTY, NEVADA

11 PETER J. HELLMAN,

12 Plaintiff,

13 vs.

14 GREYSTONE NEVADA, LLC.; LENNAR
15 SALES CORP.; DOES I through X; and, ROE
16 CORPORATIONS XI through XXXI, inclusive,

17 Defendants.

CASE NO.:

DEPT NO.:

COMPLAINT

19 Plaintiff PETER J. HELLMAN (PLAINTIFF), through his attorneys of record, ROBERT D.
20 VANNAH, ESQ. and JOHN B. GREENE, ESQ. of **VANNAH & VANNAH**, and for his causes of
21 action against Defendants, and each of them, alleges as follows:

22 1. That at all times relevant to this action, PLAINTIFF was, and now is, a resident of
23 Clark County, Nevada; that all acts alleged in PLAINTIFF'S complaint occurred in Clark County,
24 Nevada; and, that PLAINTIFF seeks in excess of \$15,000.00 in damages.

25 2. That upon information and belief, and at all times relevant to this action, Defendant
26 GREYSTONE NEVADA, LLC (GREYSTONE), was, and now is, a foreign corporation or entity
27 licensed and doing business in Clark County, Nevada.
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1 3. That upon information and belief, and at all times relevant to this action, Defendant
2 LENNAR SALES CORP. (LENNAR), was, and now is, a foreign corporation or entity licensed and
3 doing business in Clark County, Nevada. At times, GREYSTONE and LENNAR are referred to as
4 DEFENDANTS.

5 4. That the true names and capacities, whether individual, corporate, associate, or
6 otherwise, of Defendants Does I through X and Roe Corporations XI through XXXI are unknown to
7 PLAINTIFF, who therefore sues said Defendants by such fictitious names. PLAINTIFF is informed
8 and believes and therefore alleges that each of the Defendants designated as a Doe and/or a Roe
9 owes a non-delegable duty to PLAINTIFF and is negligently responsible in some manner for the
10 events and happenings referred to in this matter and negligently caused injury and damages
11 proximately thereby to PLAINTIFF. PLAINTIFF is informed and believes and therefore alleges that
12 DOE I was responsible for the temporary railing and/or bannister that gave way, and failed to
13 properly warn and/or affix temporary railing and/or bannister that gave way. PLAINTIFF is
14 informed and believes and therefore alleges that DOE II was responsible for failing to accompany
15 the PLAINTIFF into the residence and/or failed to properly warn of the temporary railing and/or
16 bannister that gave way. The Doe and Roe Defendants may have been responsible for the
17 construction, inspection, maintenance, care, and upkeep of the PREMISES, which will be more
18 particularly described in this Complaint, and which is located in Las Vegas, Nevada. PLAINTIFF
19 will ask leave of this Court to further amend this Complaint to insert the true names and capacities of
20 these Defendants when the true names have been ascertained by PLAINTIFF, together with charging
21 allegations, and to join such Defendants in this action.

22 5. Upon information and belief, DEFENDANTS owned, occupied, operated, controlled,
23 inspected, managed, constructed, and are therefore responsible in all aspects for certain real property
24 located in Clark County, Nevada, which was located at 175 Elder View Drive in Las Vegas, Nevada,
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1 that DEFENDANTS were constructing as a single-family home (the PREMISES) for PLAINTIFF.

2 **FIRST CAUSE OF ACTION**

3 **(Negligence – Res Ipsa)**

4 6. The PLAINTIFF repeats and re-alleges each and every allegation contained in
5 Paragraphs 1 through 5 and incorporates the same by reference as though fully set forth herein.

6 7. On or about August 12, 2018, PLAINTIFF entered the PREMISES to see how
7 construction was progressing.

8 8. As PLAINTIFF was walking up the stairway way of the PREMISES, and while
9 exercising reasonable care for his own well-being, and while on an elevated portion of a stairway at
10 the PREMISES, an improperly secured railing (the CONDITION) gave way. There were no
11 warning signs in place of the CONDITION, nor was PLAINTIFF provided any prior oral warnings.
12 Plaintiff fell from the stairway, landing on his head and back, suffering serious personal injuries,
13 including a loss of consciousness.

14 9. The CONDITION, which was created by DEFENDANTS, and/or a CONDITION
15 which DEFENDANTS had actual and/or constructive notice thereof prior to PLAINTIFF'S fall, was
16 a dangerous condition which should have been either remedied or adequately warned of prior to
17 PLAINTIFF'S incident.

18 10. DEFENDANTS owed a non-delegable duty to PLAINTIFF to offer and to maintain
19 the PREMISES free of the dangerous CONDITION. DEFENDANTS also owed a non-delegable
20 duty to warn PLAINTIFF of the existence of the dangerous CONDITION. DEFENDANTS
21 negligently breached the non-delegable duties it owed to PLAINTIFF by creating and/or negligently
22 allowing the dangerous CONDITION to exist and persist on the PREMISES prior to PLAINTIFF'S
23 incident, yet negligently failed to take any reasonable measure to either remedy or to warn
24 PLAINTIFF of the dangerous CONDITION prior to her fall.

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11. At all relevant times, DEFENDANTS, by and through their agents, servants, and employees, had exclusive control and possession of the PREMISES and of the CONDITION. The existence of the CONDITION and the resulting injuries and damages to PLAINTIFF are such that in the ordinary course of things PLAINTIFF'S fall would not have occurred if DEFENDANT had exercised ordinary care in the design, building, maintenance, operation, inspection, and/or control of the PREMISES. Due to the preceding facts, the negligence of DEFENDANTS is inferred under the doctrine of Res Ipsa Loquitur.

12. As a direct and proximate result of the negligence, carelessness and recklessness of the Defendants, the PLAINTIFF was injured in his health, strength and activity, sustained shock and injury to his person and incurred medical expenses, all of which has caused and will continue to cause PLAINTIFF pain and suffering, all to PLAINTIFF'S damages in an amount in excess of \$15,000.00.

13. PLAINTIFF has been required to obtain the services of an attorney to prosecute this action and is therefore entitled to recover attorney's fees and cost of suit.

SECOND CAUSE OF ACTION

(Failure to properly hire, supervise, and/or train personnel)

14. PLAINTIFF repeats and re-alleges each and every allegation contained in Paragraphs 1-13 and incorporates the same by reference as though fully set forth herein.

15. At all times mentioned herein, the DEFENDANTS hired, screened, employed, trained, supervised and/or controlled personnel responsible for the building, inspection, maintenance and repair of the premises, and/or such personnel was their agent.

16. At all times mentioned herein, said personnel failed to use reasonable care in the hiring, screening, employment, training, supervision and/or control of the premises while acting in the scope of their employment or agency.

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17. At all times mentioned herein, the DEFENDANTS were responsible for the negligence, carelessness and recklessness of their personnel, whose acts were in furtherance of the business and/or their principals.

18. At all times mentioned herein, the negligent, careless and reckless acts of the personnel and/or personnel's failure to act, were done with a common purpose and/or joint venture existed between them and the DEFENDANTS.

19. At all times mentioned herein, the Defendants are jointly and severally liable for the negligence, carelessness and recklessness of their personnel, committed while the common purpose and/or joint venture existed between them.

20. As a direct and proximate result of the negligence, carelessness and recklessness of the DEFENDANTS, the PLAINTIFF was injured in his health, strength and activity, sustained shock and injury to his person and incurred medical expenses, all of which has caused and will continue to cause PLAINTIFF pain and suffering, all to PLAINTIFF'S damages in an amount in excess of \$15,000.00.

21. PLAINTIFF has been required to obtain the services of an attorney to prosecute this action and are therefore entitled to recover attorney's fees and cost of suit.

THIRD CAUSE OF ACTION

(Respondeat Superior, Vicarious Liability & Agency/Joint & Several Liability)

22. PLAINTIFF repeats and re-alleges each and every allegation contained in Paragraphs 1 through 21 and incorporates the same by reference as though fully set forth herein.

23. At all times mentioned herein, the DEFENDANTS hired, screened, employed, trained, supervised and/or controlled personnel responsible for the design, building, inspection, maintenance and repair of the premises, and/or such personnel was their agent.

24. At all times mentioned herein, said personnel failed to use reasonable care in the

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1 hiring, screening, employment, training, supervision and/or control of the premises while acting in
2 the scope of their employment or agency.

3 25. At all times mentioned herein, the DEFENDANTS were responsible for the
4 negligence, carelessness and recklessness of their personnel, whose acts were in furtherance of the
5 business and/or their principals.

6 27. At all times mentioned herein, the negligent, careless and reckless acts of the
7 personnel and/or personnel's failure to act, were done with a common purpose and/or joint venture
8 existed between them and the DEFENDANTS.

9 28. At all times mentioned herein, the DEFENDANTS are jointly and severally liable for
10 the negligence, carelessness and recklessness of their personnel, committed while the common
11 purpose and/or joint venture existed between them.

12 29. As a direct and proximate result of the negligence, carelessness and recklessness of
13 the DEFENDANTS, PLAINTIFF was injured in his health, strength and activity, sustained shock
14 and injury to his person and incurred medical expenses, all of which has caused and will continue to
15 cause PLAINTIFF pain and suffering, all to PLAINTIFF'S damages in an amount in excess of
16 \$15,000.00.

17 30. PLAINTIFF has been required to obtain the services of an attorney to prosecute this
18 action and are therefore entitled to recover attorney's fees and cost of suit.

19 WHEREFORE, PLAINTIFF, PETER J. HELLMAN, expressly reserving his right to amend
20 this Complaint at the time of trial of this action to include all items of damages not yet ascertained,
21 prays for the following relief against DEFENDANTS, and Doe and Roe Defendants, as follows:

- 22 a. General and emotional injury in an amount in excess of \$15,000.00;
23 b. For special damages in an amount to be proven at trial;
24 c. For future medical care, future loss of income and earning capacity, future loss of
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1 household services, and future pain, suffering, emotional anxiety and distress in an
2 amount to be proven at trial;

3 d. For an award of reasonable attorney's fees and costs of suit;

4 e. Prejudgment interest; and,

5 f. For any further relief as the Court deems to be just and proper.

6
7 Dated this 27 day of January, 2020.

8 VANNAH & VANNAH

9
10 
11 _____
12 JOHN B. GREENE, ESQ.

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